UNITED NATIONS

UNEDITED COPY

CCPR

International Covenant on Civil and Political Rights

Distr.
GENERAL

4 November 1999
CCPR/C/79/Add.116

Original: ENGLISH

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Cameroon

1. The Committee considered the third periodic report of Cameroon (CCPR/C/102/Add.2) at its 1798 to 1800th meetings (CCPR/C/SR.1798-SR.1800), held on 27 and 28 October 1999, and adopted, at its 1807th and 1808th meetings held on 3 November 1999, the following observations:

A. Introduction

2. The Committee notes that the third periodic report of Cameroon was incomplete and did not address all of the concerns expressed by the Committee in its previous concluding observations (CCPR/C/79/Add.33) on Cameroon's second periodic report. It welcomes, however, the updated information, including written information and legislative texts, provided by the Delegation. It further welcomes the willingness of the State party to make additional submissions in writing with respect to particular concerns articulated by members of the Committee.

B. Positive aspects

3. The Committee notes that under the revised Constitution of 1996 the Covenant has priority over national law, and welcomes the statement of the Delegation that Covenant rights can be invoked directly in Cameroonian courts, and that these apply the Covenant provisions.

4. The Committee welcomes the efforts undertaken by the State party to inform the multiethnic population of Cameroon about their human rights, in particular through the establishment of legal clinics, educational campaigns, workshops and seminars held throughout the territory.

5. The Committee also welcomes the commitment to promote gender equality through a Ministry of Women Affairs as well as various measures initiated by the Ministry for that purpose.

6. The Committee welcomes recent amendments to the criminal code, including the enactment of a crime of torture under Article 132bis.

7. The Committee welcomes the establishment of the National Committee on Human Rights and Freedoms which is empowered to oversee all relevant Cameroonian authorities.

8. The Committee notes with satisfaction that there has been a noticeable increase in the number of judges and other court personnel.

C. Principal subjects of concern and recommendations

9. The Committee is concerned about the duality of statutory law and customary law, which sometimes results in unequal treatment between men and women, particularly in the area of marriage and inheritance laws. The Committee is also concerned that where spouses do not agree, customary law incompatible with the Covenant is often applied.

The Sate party should adopt legislation that ensures that the laws applied will in all cases be compatible with the Covenant. It emphasizes that law that gives effect to Covenant rights may fulfil an educational function. Educational campaigns should also be included in those areas in which customary practices lead to discrimination against women.

10. The Committee is also concerned at the continuing existence of polygamy, and the different ages for marriage between girls and boys.

The state party should ensure that the above are brought into conformity with the Covenant.

11. The Committee is further concerned with the high rate of illiteracy among women, unequal educational and employment opportunities for women and ability of husbands to seek a court order to prevent wives from engaging in certain occupations.

The State party should ensure the equality of women with men, both in education and employment, particularly in employment of the woman's choice. It should also ensure that women receive equal pay for work of equal value.

12. The Committee is concerned at the fact that there is no specific law to prohibit female genital mutilation and that this practice continues in certain areas of Cameroonian territory in violation of article 7 of the Covenant.

The State party should take all measures, including legislation, to combat and eradicate the practice of female genital mutilation.

13. The Committee is concerned that the criminalization of abortion leads to unsafe abortions which account for a high rate of maternal mortality.

The State party must take measures to protect the life of all persons, including pregnant women.

14. The Committee recognizes that no death sentences have been carried out during the period under review, but is concerned that the death penalty is still being imposed, and that some of the crimes still punishable by the death penalty, such as secession, espionage or incitement to war are loosely defined.

The State party is urged to ensure that the death penalty may be imposed only for the most serious crimes and to consider abolishing capital punishment altogether (art 6).

15. The Committee is seriously concerned about allegations of widespread extrajudicial executions, particularly in connection with the operation by security forces to combat armed robbery. The Committee is also concerned about the death of detainees, including through torture and ill-treatment of prisoners.

The State party is urged to overcome impunity and ensure that all allegations of killings by security forces are promptly investigated, the responsible persons brought to justice and the victims compensated.

16. The Committee is concerned by the existence of private militia, in particular those that act as "coupeurs de routes".

The State party should combat the phenomenon in order to eradicate it.

17. The Committee is seriously concerned at reports about abuse of the use of weapons by the police, leading to loss of life.

To secure compliance with articles 6 and 7 of the Covenant, the State party must take firm measures to limit the use of force by the police, to investigate all complaints regarding the use of force by the police and take appropriate action when the use is in violation of the relevant regulations.

18. The Committee is further seriously concerned at reports on disappearances of persons.

The State party must carry out investigations of disappearances and provide compensation to victims, or families.

19. The Committee is deeply concerned that a person held in administrative detention, under article 2 of Law No. 90/024 (19 December 1990), may have his detention extended indefinitely with the authorisation of the Provincial Governor or the Minister for Territorial Administration, and that such person has no remedy by way of appeal or application of habeas corpus.

The State party should take immediate steps to bring the law into compliance with article 9 paragraphs 3 and 4 of the Covenant and ensure that the condition in which any such person is held comply with the Covenant.

20. The Committee is concerned about the continued practice of torture by police officials and about the absence of an independent organ for investigation. The Committee acknowledges the information provided by the Delegation about the prosecution of certain cases of torture. However, it regrets that the Delegation did not provide any information concerning the number of complaints of torture, the methods of investigating such reports, or of the remedies offered to the victims.

The State party should establish an independent mechanism to investigate reports of torture in order to comply with article 7 of the Covenant.

21. The Committee is concerned about the jurisdiction of military courts over civilians and about the extension of that jurisdiction to offences which are not per se of a military nature, for example all offences involving fire-arms. The Committee is further concerned about reports whereby a person who was discharged by civilian judicial authorities may be brought before a different tribunal for trial, in contravention of article 14 paragraph 7.

The State party should ensure that the jurisdiction of military tribunals be limited to military offences committed by military personnel. It must also avoid that any person be liable to be tried or punished again for an offence for which he/she has already been finally convicted or acquitted of.

22. The Committee is concerned that citizens' passports can be removed by the police on the order of the public prosecutor, but that no information has been provided as to the criteria adopted by the prosecutor in giving such an order in that procedure.

Such criteria should be examined so as to ensure that they are compatible with the freedom of everyone to leave his own country under article 12, paragraphs 2, and 3, of the Covenant.

23. The Committee deplores the fact that prison conditions in Cameroon are characterized by severe overcrowding, inadequate food and medical care.

The Committee urges the State party to address the issue of prison overcrowding as a matter of priority and to ensure that prisoners are treated with humanity, in keeping with article 10 of the Covenant.

24. The Committee is deeply concerned at the prosecution and punishment of journalists for the crime of publication of false news merely on the ground, without more, that the news was false, in clear violation of article 19 of the Covenant.

The State party must ensure that any law restricting freedom of expression, meets all the requirements set out in article 19, paragraph 3 of the Covenant.

25. The Committee recommends early action to review and reform laws relating to criminal defamation, to bring them into conformity with article 19 of the Covenant.

26. The Committee is concerned with the information provided by the State party, in respect of the follow-up on the Committee's decisions on an individual case Mukong v. Cameroon (Case No. 458/1991), where the Committee has established a violation of the Covenant. In particular, the Committee does not consider it appropriate to expect a person found to be a victim of a human right violation to have to submit still more information to the Cameroonian courts in order to obtain compensation.

The State party is urged to provide a remedy in accordance with the views adopted by the Committee on the individual case considered under the Optional Protocol.

27. The Committee regrets that the independence of the National Committee on Human Rights and Freedoms is not ensured, that its reports to the Head of State are not made public and that there is no evidence that any remedies have been provided or prosecutions initiated as a result of its work.

The State party is urged to ensure the independence of the National Committee and that publicity is given to its work and recommendations.

D. Date of examination of the fourth periodic report; dissemination of Information

28. The Committee urges the State party to make available to the public as well as to the legislative and administrative authorities the text of the Covenant and of these concluding observations in the languages used by the population and to disseminate the Covenant by appropriate measures so that everyone becomes aware of their rights. The State party's next report should be prepared on an article by article basis, in accordance with the Committee's new Guidelines (CCPR/C/66/GUI) and should give particular attention to the issues raised by the Committee in these Concluding Observations. The Committee sets the date for the submission of Cameroon's fourth periodic report as 31 October 2003.